

REMARKS

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-63 were previously pending in this application. Within the previous Office Action, Claims 1-63 have been rejected. By the above amendment, Claims 1-7, 10-14, 18-21, 28-34, 37-44, and 56-62 have been amended, Claims 8, 9, 15-17, 22-27, 35, 36, 45-55 and 63 have been canceled and new Claims 64-66 have been added. Accordingly Claims 1-7, 10-14, 18-21, 28-34, 37-44, 56-62 and 64-66 are now pending in this application.

Rejections Under 35 U.S.C. § 103

Within the previous Office Action, Claims 1-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,581 to Edson (hereinafter "Edson") in view of U.S. Patent No. 6,470,378 to Tracton et al. (hereinafter "Tracton") and U.S. Patent No. 6,169,725 to Gibbs et al. (hereinafter "Gibbs"). The applicants respectfully disagree. Edson teaches a multi-service in-home network with an open interface. Edson teaches using a gateway providing an open software interface to control in-home communications and to enable in-home devices of various divergent technologies to selectively access external communication features. [Edson, col. 5, lines 27-30] Edson teaches that the use of an open interface enables many different types of devices to communicate, and when desired, to access external communication resources through the in-home network media and the centralized gateway. [Edson, col. 5, lines 30-35] As recognized within the Office Action, Edson does not teach determining device ID information for the devices within the network and providing a configuration profile to a remote server.

Edson also does not teach automatically downloading an application associated with a device within a network from a server.

Tracton teaches dynamic content customization in a client server environment. Tracton teaches that the server sends a query to the client, requesting the client to identify its capabilities. [Tracton, col. 3, lines 55-58]. Tracton further teaches that the client then sends to the server a characteristic profile indicating to the server the client's available computing resources and network bandwidth. [Tracton, col. 3, lines 58-62] Tracton teaches that the server then is able to prepare or direct the client to appropriate resources. [Tracton, col. 3, lines 62-65] Tracton does

not teach determining device ID information and a configuration profile for electronic devices within a home network system. Tracton only teaches that the client provides its own characteristic profile to the server.

Tracton also does not teach automatically downloading an application associated with a device within a network from a server.

Gibbs teaches an apparatus and method for restoration of internal connections in a home audio/video system. Gibbs teaches a HAVi network of devices in which when a new device is connected to the network, the communication media manager (CMM) gathers the global unique identifier (GUID) from the configuration ROM of the new device. Gibbs does not teach that the GUID of any of the devices within the HAVi network is provided through a device within a network to a remote server or is used to generate a configuration profile of the network of devices.

Gibbs also does not teach automatically downloading an application associated with a device within a network from a server.

It is well settled that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference, or references, must teach or suggest all the claim limitations. MPEP § 2143.

The burden of establishing a *prima facie* case of obviousness based on the teachings of Edson, Tracton and Gibbs has not been met within the Office Action because these references, either singularly or in combination, do not disclose all claim limitations in each of Applicants' independent claims, and because there is no suggestion or motivation to combine or modify these references.

The combination of Edson, Tracton and Gibbs does not teach the present invention, as claimed. As discussed above, Edson teaches a multi-service network with an open interface. Edson does not teach determining device ID information for the devices within the network and providing a configuration profile to a remote server. Tracton does not teach determining device ID information and a configuration profile for electronic devices within a home network system. Tracton teaches that a client provides only its own characteristic profile to a server. As discussed

above, Gibbs teaches that the GUID information is used by devices within the network. Gibbs does not teach that the GUID of any of the devices within the HAVi network is provided through an electronic device within the network to a remote server and used to generate a configuration profile of the network of devices. Accordingly, neither Edson, Tracton, Gibbs nor their combination teach determining device ID information for devices within a network and providing a configuration profile to a remote server. Further, neither Edson, Tracton, Gibbs nor their combination teach automatically downloading an application associated with a device within a network from a server.

In contrast to the teachings of Edson, Tracton, Gibbs and their combination, the present invention is directed to a system and method for identifying, accessing and managing service applications for use with associated devices in a network of devices. A device within the network of devices determines device identification information associated with the devices in the network of devices, determines a network system configuration protocol based on the device identification information and provides the configuration profile to a remote server. The server determines an application operative to provide a process associated with devices within the network of devices and communicates that application to the device. The device executes the application to provide a remote interactive process associated with the devices. This interaction between the device and the server is performed automatically, without user intervention. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach determining device identification information for devices within a network and providing a configuration profile to a remote server. Further, neither Edson, Tracton, Gibbs nor their combination teach executing an application at a device within a network of devices that was received from a server and is used to provide a remote interactive process with devices in the network of devices. Further, neither Edson, Tracton, Gibbs nor their combination teach automatically downloading an application from a server associated with a device within a network.

There is no motivation to combine the teachings of Edson with Tracton and Gibbs. As discussed above, Edson relates to a multi-service network with an open interface. Tracton is not directed to a network of devices, but only to communications between a server and a client. Gibbs is directed to a network of devices operating according to a HAVi protocol.

This is a classic case of impermissibly using hindsight to make a rejection based on obviousness. The Court of Appeals for the Federal Circuit has stated that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." In Re Fritch, 972 F.2d, 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). As discussed above, Edson teaches a multi-

service network with an open interface. Tracton is not directed to a network of devices, but only to communications between a server and a client. Gibbs is directed to a network of devices operating according to a HAVi protocol. There is no hint, teaching or suggestion in any of these references to warrant their combination. As discussed above, Tracton is not directed to a network of devices. Further, none of the cited references Edson, Tracton, Gibbs nor their combination teach or make obvious determining device ID information for devices within a network and providing a configuration profile to a remote server. To conclude that this is obvious based on the teachings of these references, is to use hindsight based on the teachings of the present invention and to read much more into Edson, Tracton and Gibbs than their actual teachings. This is simply not permissible based on the directive from the Court of Appeals for the Federal Circuit.

Claim 1 is an independent claim directed to a process of identifying and managing applications. The process of Claim 1 comprises determining device identification information associated with at least one electronic device included in a home network, determining a home network configuration profile based at least on said device identification information, providing said home network configuration profile to a server, wherein the server is remote from the home network, based on the provided home network configuration profile, automatically downloading an application from the server to the home network, the application being operative to provide to the or each electronic device, a control application, an interface application, a device interplay application, a support application, a diagnostic application, or a maintenance application and executing said downloaded application within the home network. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach determining device identification information associated with at least one electronic device included in a home network and determining a home network configuration profile based at least on said device identification information. Further, neither Edson, Tracton, Gibbs nor their combination teach providing a home network configuration profile to a server, wherein the server is remote from the home network. Still further, neither Edson, Tracton, Gibbs nor their combination teach executing an application that was received from a server within the home network. Further, neither Edson, Tracton, Gibbs nor their combination teach based on the provided home network configuration profile, automatically downloading an application from a server to the home network. For at least these reasons, the independent Claim 1 is allowable over the teachings of Edson, Tracton, Gibbs and their combination.

Claims 8, 9, 15-17 and 22-27 have been canceled by the above amendment. Claims 2-7, 10-14 and 18-21 are dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Edson, Tracton, Gibbs and their combination. Accordingly, the dependent Claims 2-7, 10-14 and 18-21 are all also allowable as being dependent on an allowable base claim.

The independent Claim 28 is directed to a process of identifying and accessing media content. The process of Claim 28 comprises determining device identification information associated with at least one electronic device included in a home network, determining a home network configuration profile based at least on said device identification information, providing said home network configuration profile to a server, wherein the server is remote from the home network and based on the provided home network configuration profile, automatically downloading media content from the server to be output by at least one electronic device. As discussed above, neither Edson, Tracton, Gibbs nor their combination teach determining device identification information associated with at least one electronic device included in a home network and determining a home network configuration profile based at least on said device identification information. Further, neither Edson, Tracton, Gibbs nor their combination teach providing a home network configuration profile to a server remote from the home network. Still further, neither Edson, Tracton, Gibbs nor their combination teach based on the provided home network configuration profile, automatically downloading media content from the server to be output by at least one electronic device. For at least these reasons, the independent Claim 28 is allowable over the teachings of Edson, Tracton, Gibbs and their combination.

Claims 35 and 36 have been canceled by the above amendment. Claims 29-34 and 37 are dependent on the independent Claim 28. As discussed above, the independent Claim 28 is allowable over the teachings of Edson, Tracton, Gibbs and their combination. Accordingly, the dependent Claims 29-34 and 37 are all also allowable as being dependent on an allowable base claim.

Within the previous Office Action, Claims 38-63 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Edson in view of Tracton, Gibbs and U.S. Patent No. 6,658,663 to Bruynsteen (hereinafter "Bruynsteen"). The applicants respectfully disagree. As described above, the combination of Edson, Tracton and Gibbs is not proper. For the same reasons, the combination of Edson, Tracton, Gibbs and Bruynsteen is also not proper.

The combination of Edson, Tracton, Gibbs and Bruynsteen does not teach the present invention, as claimed. Bruynsteen teaches a business model for leasing storage on a digital recorder. Bruynsteen does not teach determining device ID information for devices within a network and providing a configuration profile to a remote server. Bruynsteen also does not teach executing an application at an electronic device within a network of devices that was received from a server and is used to provide a process with devices in the network of devices. Bruynsteen also does not teach automatically downloading an application from a server associated with a device within a network. Accordingly, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach determining device identification information for devices within a network and providing a configuration profile to a remote server. Further, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach executing an application that was received from a server and is used to provide a process associated with one of more of the devices in the network of devices. Still further, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach automatically downloading an application from a server associated with a device within a network.

The independent Claim 38 is directed to an electronic device coupled to a network of devices. The gateway device of Claim 38 comprises a communications interface through which the electronic device communicates with a remote server, a network communications interface through which the electronic device communicates with devices within the network of devices, wherein the electronic device communicates with the devices within the network of devices to determine device identification information for one or more of the devices and a configuration profile of the one or more of the devices, further wherein the electronic device automatically provides the configuration profile to the remote server through the communications interface and, based on the provided configuration profile, automatically downloads an application from the remote server, the application being associated with the one or more of the devices and a processing circuit coupled to the communications interface and the network communications interface for executing the application to provide to the one or more devices, a control application, an interface application, a device interplay application, a support application, a diagnostic application, or a maintenance application. As discussed above, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach determining device identification information for one or more of the devices and a configuration profile of the one or more of the devices. Further, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach an electronic device that automatically provides the configuration profile to a remote server. Still further, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach an electronic

device that based on the provided configuration profile, automatically downloads an application from the remote server, the application being associated with the one or more of the devices. For at least these reasons, the independent Claim 38 is allowable over the teachings of Edson, Tracton, Gibbs, Bruynsteen and their combination.

Claims 39-44 are dependent on the independent Claim 38. As discussed above, the independent Claim 38 is allowable over the teachings of Edson, Tracton, Gibbs, Bruynsteen and their combination. Accordingly, the dependent Claims 39-44 are all also allowable as being dependent on an allowable base claim.

Claims 45-55 have been canceled by the above amendment.

The independent Claim 56 is directed to an electronic device coupled to a network of devices. The electronic device of Claim 56 comprises a communications interface through which the electronic device communicates with a remote server and a network communications interface through which the electronic device communicates with devices within the network of devices, wherein the electronic device communicates with the devices within the network of devices to determine device identification information for one or more of the devices and a configuration profile of the one or more of the devices, further wherein the electronic device automatically provides the configuration profile to the remote server through the communications interface and, based on the provided configuration profile, automatically downloads media content from the remote server to be output by one or more of the devices. As described above, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach an electronic device that communicates with the devices within a network of devices to determine device identification information and a configuration profile. Further, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach an electronic device that automatically provides the configuration profile to a remote server. Still further, neither Edson, Tracton, Gibbs, Bruynsteen nor their combination teach an electronic device that based on the provided configuration profile, automatically downloads media content from the remote server to be output by one or more of the devices. For at least these reasons, the independent Claim 56 is allowable over the teachings of Edson, Tracton, Gibbs, Bruynsteen and their combination.

Claim 63 has been canceled by the above amendment. Claims 57-62 are dependent on the independent Claim 56. As discussed above, the independent Claim 56 is allowable over the teachings of Edson, Tracton, Gibbs, Bruynsteen and their combination. Accordingly, the dependent Claims 57-62 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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